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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/530,290	04/27/2000	KAORU SUZUKI	450101-02043	7187

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NEW YORK, NY 10151

EXAMINER

MAYO, KIMBERLY N

ART UNIT	PAPER NUMBER
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2187

DATE MAILED: 09/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/530,290

Applicant(s)

SUZUKI, KAORU

Examiner

Kimberly N. McLean

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The request filed on August 23, 2002 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/530,290 is acceptable and a CPA has been established. An action on the CPA follows.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 8, 11, 14-15, 18 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Gaskins (USPN: 5,606,315).

Regarding claims 1, 8 and 15, Gaskins discloses a memory apparatus comprising a first storage region from which data can be read and into which data can be written, in accordance with instructions made by a user (Figure 1, Reference 20, regions where unprotected data and field service data is stored; C 4, L 24-31); and a second storage region, having a password associated therewith (C 3, L 38; C 4, L 14-19), from which data can be read and written by a data processing apparatus only when a user entered password correlates to the associated password (C 4, L 31-34, L 37-63; Figure 2A, References 50, 58, 60, 64 and 70) and when the data apparatus is designed to read from and write to the second storage region (Figure 1, Reference 20, region where password is stored, this region is accessed when the data processing apparatus changes the password, verifies a password or changes calibration information - Refer to C 4, L 20-67 – the

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data processing apparatus, (Figure 1, Reference 10 excluding Reference 20), only accesses the second storage region, Reference 20; the data apparatus is directly coupled to the second storage region and thus only reads and writes to this region);

Regarding claim 2, Gaskins discloses the first and second storage elements composed of nonvolatile memory (Figure 1, Reference 20).

Regarding claims 11 and 18, Gaskins discloses designating the second storage region of the memory apparatus upon receipt of instructions for writing data into the second storage region of the memory apparatus or reading the data from the second storage region, thereby writing the data into the second storage region or reading the data from the second storage region (password access; C 4, L 32-51).

Regarding claims 14 and 21, Gaskins discloses receiving instructions to read password data from the second storage region when the user makes instructions to write data into the memory apparatus or read data from the memory apparatus, thereby reading the password data from the second storage region, or writing data into the first storage region of the memory apparatus or reading data from the first storage region when the password data read from the second storage region coincides with the password data input by the user (occurs when an access to calibration data is attempted; C 4, L 53-63).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaskins (USPN: 5,606,315).

Regarding claims 4-6, Gaskins discloses the limitations cited above, however, Gaskins does not disclose storing copyright data concerning the data stored in the first storage region, storing a use history of the memory apparatus in the second storage region nor storing quality history in the second storage region. Gaskins discloses storing sensitive data (password data) in the second storage region wherein access to the region is limited for certain operations. Clearly, this feature would be desirable for any data of a sensitive nature to prevent contamination of the data. Therefore, it would have been obvious to one of ordinary skill in the art to use Gaskins teachings with data, such as copyright data, memory history usage and quality history, wherein the data would be stored in an access limited region of memory for the desirable purpose of security and accuracy of data.

6. Claims 9-10, 12-13, 16-17 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaskins (USPN: 5,606,315) in view of Estrakhri (USPN: 6,125,435).

Regarding claims 9-10, 12-13, 16-17 and 19-20, Gaskins discloses the limitations cited above, however, Gaskins does not explicitly disclose the data processing apparatus referring to a

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conversion table showing a physical address of the first storage region of the memory apparatus and data to be written into the first storage region or logic address of the data written in the first storage region, thereby writing the data into the first storage region or reading the data from the first storage region, wherein the data to be written is managed in units of files and the data processing apparatus designates a logic address of data from the data to be written into the first storage region of the memory apparatus or from the file name of the data written in the first storage region and refers to the conversion table, thereby writing the data into the first storage region or reading the data from the first storage region. Gaskins does not disclose the details involved in reading or writing the nonvolatile memory. Estrakhri discloses the above features (Abstract; C 6, L 46-60; C 7, L 66-67; C 8, L 1-65). Additionally, it is conventional in the art to manage nonvolatile memory efficiently as described above. Although, not stated in Gaskins teachings, it is evident that there is some form of memory management in the system. It would have been obvious to one of ordinary skill in the art to manage Gaskins' nonvolatile memory with the features described above for the desirable purpose of efficiency.

Response to Arguments

7. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly N. McLean whose telephone number is 703-308-9592. The examiner can normally be reached on M-F (9:00 - 6:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Do Yoo can be reached on 703-308-4908. The fax phone numbers for the organization where this application or proceeding is assigned are 703-7467329 for regular communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2100.


KNM

Kimberly N. McLean-Mayo
Examiner
Art Unit 2187

September 6, 2002